

Testimony on Prisoner Re-Entry

House Subcommittee on Crime, Terrorism, and Homeland Security

Submitted by

Ashbel T. Wall, II

Director, Department of Corrections

Rhode Island

On behalf of

The Association of State Correctional Administrators

and

The Council of State Governments

October 7, 2004

Good morning. Thank you Chairman Coble and Ranking Member Scott for inviting me to testify about matters concerning prisoner re-entry and three bills currently pending before this committee: The Second Chance Act of 2004 (H.R. 4676), The Re-Entry Enhancement Act (H.R. 5075), and Carlie's Law (H.R. 4150).

My name is Ashbel T. Wall, II, and I am the Director of Corrections for the State of Rhode Island. Our corrections system is unified, meaning it includes both prisons and jails. Our average daily population is 3,500 inmates, housed in 8 institutions. We receive about 17,000 commitments annually; last year we released almost an equal number of prisoners to the community. Their length of stay varied from one day to over three decades of incarceration. As is true in many other correctional systems, I am responsible not only for institutional corrections, but also for the state's parole and probation services.

I am testifying today on behalf of the Council of State Governments (CSG) and the (ASCA) Association of State Correctional Administrators. CSG is a membership association serving all elected and appointed and state government officials; ASCA represents the 50 state corrections directors and the administrators of the largest jails systems.

On behalf of the men and women working in our nation's jails and prisons, I want to thank this committee's for its leadership on matters of particular importance to the corrections profession, such as the recent hearing you convened regarding the increasing number of inmates with mental illness and today's hearing about prisoner re-entry. On each of these occasions, and in connection with legislation such as the Prison Rape Elimination Act, you have demonstrated your

commitment to incorporating the recommendations and expertise of corrections administrators, and we are extremely grateful to you for that.

I also want to thank Congressman Portman for his leadership on prisoner re-entry; we appreciate very much the efforts he and his staff have made to incorporate ideas presented by the Re-Entry Policy Council into his legislation. We also are grateful to Congressman Conyers for his commitment to this issue.

The purposes of my remarks today are the following: 1) to explain why the federal government must assist state and local governments grappling with the growing numbers of people released from prison and jail; 2) to highlight bipartisan recommendations, which policymakers and practitioners agree will increase public safety, issued by the Re-Entry Policy Council; and 3) to discuss the legislation currently pending before the Committee.

1. The Case for Congressional Action

Nationally, more than 600,000 people are released from prison each year,¹ while over 7 million different individuals are released from jails.² The number of people released from prison has increased 350 percent over the last 20 years, and experts report that next year's numbers will eclipse the number of releases this year.³ It is hard to overstate the implications of this trend for public safety, state and local government spending, children and families, and the stability of communities—among other public policy issues.

¹SVORI website, www.ojp.esdoj.gov/reentry/learn.html

²Theodore Hammett, "Health Related Issues in Prisoner Reentry to the Community" (paper presented at The Urban Institute's Reentry Roundtable, Washington, DC, October 2000).

³James P. Lynch and William J. Sabol, *Prisoner Re-Entry in Perspective* (Washington, DC: The Urban Institute, 2001).

Public Safety. States and counties across the country are considering changes to release policies to relieve themselves of extraordinary budgetary pressure. When these policy decisions are not carefully considered and implemented, the results can be disastrous. In one state, for example, before officials were able to establish careful, science-based parole process, a governor facing severe fiscal pressure in his last year in office released nearly 1,000 inmates, some of whom were subsequently involved in high profile crimes.

Fiscal Implications. Recidivism rates of prisoners released from jail or prison are high and show little sign of decreasing. Many of the people admitted to prison were under supervision of the criminal justice system at the time of their commitment to the corrections facility. Nearly one-half of all prison admissions are probation or parole violators. At least half of these violations are technical—offenses for which someone could not be sentenced to prison. California alone spends close to one billion dollars a year re-incarcerating parole violators. Not only are such rates of recidivism a threat to community safety, but states confronting especially severe fiscal problems (which is now just about every state) do not have the funds to sustain these rates of re-incarceration.

Children and Families. Fifty-five percent of prisoners have children under the age of 18; those kids often depend on them, at least in part, for financial support, and almost always to be a responsible parent⁴. The problem is especially acute in particular communities: for example, in some Brooklyn neighborhoods, one out of eight parenting-age males is admitted to jail or prison in single year. Lack of attention to the children, spouses, and other kin of someone in prison accelerates the deterioration of families in the U.S. It also unwittingly raises the risk that another generation will cycle in and out of prisons and jails. A recent study found that children of prisoners are five times as likely to be incarcerated later in their life as a child who has not had a parent incarcerated.

Communities. For prison and jail systems across the country, an increasing percentage of prisoners hail from just a few communities in the corresponding state. In my state, for example, almost 25 percent of released inmates return to just four zip codes in the city of Providence. Fifteen percent of the neighborhoods in Baltimore receive 56 percent of the people released from Maryland state prisons. In Connecticut, almost half of the prison and jail population is from just a handful of neighborhoods in five

⁴ Jeremy Travis, Elizabeth Cincotta and Amy L. Solomon, *Families Left Behind: The Hidden Costs of Incarceration and Reentry*, Washington, DC (Urban Institute, October 2003).

cities, which have the most concentrated levels of poverty and nonwhite populations in the state.⁵

Communities receiving a disproportionately large share of people released from prison and jail are fragile and typically ill equipped to support this population: there is an absence of services (such as health care and drug treatment), employment opportunities, affordable housing, and supports in the surrounding area.

To address these issues, federal leadership is not only justified; it is essential.

The Department of Bureau of Justice Statistics reports that expenditures on corrections alone have increased from \$9 billion in 1982 to \$60 billion in 2002. Yet, the likelihood of a former prisoner succeeding in the community upon his or her release is no better today than it was 30 years ago. By some measures, the process of prisoner re-entry has become much worse than it once was: In 1984, 70 percent of parolees successfully completed their parole term. By 2002, that number had dropped to 45 percent.⁶ Neighborhood residents and families are no more prepared to support these individuals than they were at the time of their incarceration, and the few assets that these communities have available to assist them (such as faith-based organizations) remain effectively untapped.

Thankfully, there is a foundation from which Congress, the Department of Justice, and its sister agencies, can work. The Serious, Violent Offender Re-Entry Initiative, a grant program that represents a partnership among the Departments of Justice, Health and Human Services, and Labor, has made available valuable funding support which states have paired with state and local resources to develop

⁵ CSG, *Building Bridges: From Conviction to Employment, A Proposal to Reinvest Corrections Savings in an Employment Initiative*, January 2003.

⁶ Lauren E. Glaze, *Probation and Parole in the United States, 2002*, Department of Justice, Bureau of Justice Statistics (Washington, DC: 2003), NCJ 201135.

innovative, promising programs and policies that address aspects of the issues described above. The efforts that have emerged in states like Rhode Island demonstrate how states can begin to reduce recidivism, increase safety, and strengthen families and communities.

Unfortunately, as states just begin to get these initiatives past the planning stage, and as they prepare for record numbers of releases from prison and jail, SVORI funding has been exhausted. In the absence of the legislation currently pending, the prospects for additional federal funding are extremely limited. Authorizing language for the trickle of funding that continues to flow toward this issue area provides only a skeletal outline of what needs to be done in prisoner re-entry. In sum, this is precisely the juncture at which Congressional action is needed.

2. The Recommendations of the Re-Entry Policy Council

To assist policymakers seeking to make men and women's transition from prison or jail to the community safe and successful, the Council of State Governments partnered with ten key associations, including ASCA, to establish the Re-Entry Policy Council. The Policy Council comprises key state and local leaders, including workforce development officials; housing providers; state lawmakers; representatives of health, mental health, and substance abuse treatment systems; criminal justice and corrections policymakers and practitioners; victim advocates; and ministers and others working in faith-based institutions. The Report of the Re-Entry Policy Council reflects the broad, bipartisan consensus achieved among this diverse group. Like the Serious and Violent Offender Reentry Initiative, the work of

the Policy Council was supported by the Departments of Justice, Health and Human Services, and Labor.

The Report of the Re-Entry Policy Council identifies the programs and policies that are essential to realizing the goal of ensuring that people released from prison or jail will avoid crime and become productive, healthy members of families and communities:

- **Make smart release and community supervision decisions**
- **Ensure support for crime victims**
- **Offer safe places to live**
- **Break bonds of addiction**
- **Treat physical and mental illness**
- **Foster meaningful relationships**
- **Provide training, education, and jobs**

The comprehensive Report includes hundreds of detailed recommendations for implementing these programs and policies and provides examples of jurisdictions from across the country that are doing this work in interesting and innovative ways.

The Report further outlines several elements which are essential to the success of these programs and policies:

- **Start thinking about and working towards re-entry as soon as a person is admitted to corrections facility.**
- **Partner with other government organizations and nonprofits; corrections can't do it alone.**
- **Never lose sight of the communities to which people will return.**

These are themes on which we have focused Rhode Island's re-entry efforts. The Governor has brought the relevant players together and we're collaborating. We have been fortunate in these efforts to receive technical assistance from the National Governors' Association's Center for Best Practices and from the National

Institute of Corrections through its Transition from Prison to the Community Initiative. We're also working in partnership with community leaders in the neighborhoods to which the majority of our state's prisoners are returning. Local residents, religious leaders, and service providers have established the Family Life Center, a one-stop community-based organization dedicated exclusively to the successful re-entry of former inmates on the south and west sides of Providence.

3. Legislation Pending Before the Committee

The bills introduced by Congressmen Portman and Conyers are consistent with a great many of the recommendations of the Re-Entry Policy Council. The discretionary grant programs established under these bills encourage state and local governments to address comprehensively the complex needs, from health and housing to employment, of people released from prison or jail. They recognize the importance of planning for re-entry upon a person's admission to the corrections facility. And, they effectively encourage joint ventures among government agencies and the engagement of community-based partners, including faith-based institutions. They insist on accountability, providing focused goals for grantees. Perhaps most importantly, the guidelines and requirements are flexible, encouraging innovation and recognizing that there is no one-size-fits-all solution to prisoner re-entry. In the end, the design of programs and policies must be unique to each state.

HR 5075 appears to take the additional step of rolling back many of the legal barriers that offenders face upon their return to the community. The Re-Entry Policy Council is careful not to take a position on changes to some laws, such as

felony voting rights, around which there is not a broad, national consensus. It does, however, speak to the need for state and local governments (as well as federal government officials) to conduct an inventory of existing regulations and laws to clarify where legitimate barriers to re-entry exist. For example, many federal, state and local government officials remain unclear about what federal laws and regulations state about ex-offenders' eligibility for publicly subsidized housing. The Portman bill, HR 4676 provides for such an inventory, and we applaud that appropriate first step.

Because HR 4150 addresses those under federal supervised release, including probationers in the federal system (as opposed to state or local probation), the Council of State Governments and the Association of State Correctional Administrators have not taken a position on this legislation. Certainly, the concept that underlies this legislation—immediately reincarcerating those who commit violent crimes while they are on conditional release—strikes me as sensible.

4. Conclusion

With his remarks in this year's State of the Union, the President has called unprecedented attention to the issue of prisoner re-entry. Thanks to the public interest and the leadership that has emerged in Congress around this issue, we now stand at an important crossroads.

The parallels between the existing situation and welfare reform in the mid-1990's are stunning. The existing system through which prisoners are returned to families and communities is unsafe, and, given the outcome, absurdly expensive. Initiatives in a handful of states, and the comprehensive, bipartisan *Report of the Re-*

Entry Policy Council, demonstrate that this system can be re-engineered and reinvented. It is the role of the federal government to call attention to these emerging models, to stimulate additional innovation, and to research and evaluate these programs and policies. Indeed, the safety and stability of our communities and families, and integrity of the justice system, depend on such federal leadership. The re-entry legislation before this committee puts us on that path, and we look forward to working with this committee toward its passage.